

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION - CLEVELAND

In re:	)	CASE NO. 20-11614
)	
ROBERT FRANKLIN TRAVIS,	)	CHAPTER 13
JR.)	
	)	JUDGE ARTHUR I. HARRIS
Debtor)	
	)	MOTION OF FOX RUN
	)	ASSOCIATION, INC. FOR RELIEF
	)	FROM STAY
)	
	)	(Property Located at: 1130 Hunting
	)	Hollow, Grafton, OH 44044)
)	

1. Fox Run Association, Inc. (the “Movant”) moves this Court, under Bankruptcy Code §§361, 362, and 363, and other sections of Title 11 of the United States Code, and under Federal Rule of Bankruptcy Procedure 4001, and under Local Bankruptcy Rule 4001-1, and other rules of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) for an Order conditioning, modifying or dissolving the automatic stay imposed by §362 of the Bankruptcy Code. In support of this Motion, the Movant states:

MEMORANDUM IN SUPPORT

2. The Court has jurisdiction over this matter under 28 U.S.C. §§157 and 1334. This is a core proceeding under 28 U.S.C. §157(b)(2). The venue of this case and this motion is proper under 28 U.S.C. §§1408 and 1409.

3. On September 29, 2017, the Debtor, Robert Franklin Travis, Jr. (collectively, the

“Debtor”) became owner of the Property at 1130 Hunting Hollow, Grafton, OH 44044 as more fully described in the copy of the Warranty Deed, which is attached to this Motion as Exhibit “A”, and, by virtue of ownership, automatically became a member of Movant and subject to its Declaration of Easements, Covenants and Restrictions which was recorded with the Office of the Lorain County Recorder at Instrument No. 2005-0098437.

4. N/A

5. Pursuant to Ohio Revised Code §5311.18 and the covenants and conditions of the Declaration of Easements, Covenants and Restrictions, Movant prepared a lien when Debtor became delinquent paying assessments, which were duly perfected in the office of the Lorain County Recorder on March 7, 2022, as Instrument No. 2022-0865651. A copy of this recorded lien is attached hereto as Exhibit "B" and made a part hereof. The lien is believed to be the 1st lien on the property (the “Collateral”).

6. N/A

7. N/A

8. N/A

9. The market value of the Collateral is \$225,880.00. This is the valuation as set by the Lorain County Auditor.

10. As of the date of this motion, there is currently due and owing the outstanding balance of \$6,752.00 as described in more detail on the worksheet. The total provided in this paragraph cannot be relied upon as a payoff quotation.

11. N/A.

12. Other parties known to have an interest in the Collateral besides the debtor(s), the Movant, and the trustee are (check all that apply):

- ☐ N/A.
- ☐ N/A
- ☐ <CO-OWNERS, IF APPLICABLE, STATE NAME>.
- ☒ Freedom Mortgage Corporation

13. Movant is entitled to relief from the automatic stay under Bankruptcy Code §362(d)

for these reason(s) (check all that apply):

- ☐ Debtor has failed to provide adequate protection for the lien held by the Movant for these reasons: <EXPLAIN>.
- ☐ Debtor has failed to keep the Collateral insured as required by the Security Agreement.
- ☐ Debtor has failed to keep current the real estate taxes owed on the Collateral.
- ☒ Debtor has failed to make periodic payments to Movant for the months of July, 2018, which unpaid payments are in the aggregate amount of \$6,752.00 through April 12, 2022. The total provided in the paragraph cannot be relied upon as a reinstatement quotation.
- ☐ Debtor is delinquent in funding the plan, and therefore the trustee has failed to make periodic payments to Movant since the commencement of the bankruptcy case for the months of <STATE EACH MONTH AND YEAR>, which unpaid payments are in the aggregate amount of <AMOUNT> through <DATE>. The total provided in this paragraph cannot be relied upon as a postpetition reinstatement quotation.
- ☐ Debtor has no equity in the Collateral, because the Collateral is valued at , and including the Movant's lien, there are liens in an aggregate amount of on the Collateral.
- ☐ Debtor(s) plan provides for surrender of the Collateral.
- ☐ The property is not necessary to an effective reorganization because:
- ☐ Other cause (set forth with specificity): Other cause (set forth with specificity):

14. Movant has completed the worksheet, attached as Exhibit "C" .

15. This Motion conforms to the standard form adopted in this District except as

follows: **this Motion deviates from the standard form because Movant is a property owners association that is entitled to relief as more fully explained hereinabove.**

WHEREFORE, Movant prays for an order from the Court granting Movant relief from the automatic stay of Bankruptcy Code §362 to permit Movant to proceed under applicable nonbankruptcy law.

Respectfully submitted

KAMAN & CUSIMANO, LLC

/s/ Shannon M. McCormick

Darcy Mehling Good (0068249)

Shannon M. McCormick (0084855)

50 Public Square, Suite 2000

Cleveland, OH 44113

(216) 696-0650 / FAX (216) 771-8478

bankruptcy@kamancus.com

CERTIFICATE OF SERVICE

I certify that on April 19, 2022, a true and correct copy of Motion of Fox Run Association, Inc. for Relief from Stay pursuant to Bankruptcy Rule 2002(g) Providing Address for Service of Notices was served via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

William J. Balena, Esq., on behalf of Robert Franklin Travis, Jr., debtor

Lauren Helbling, Esq., **Chapter 13 Trustee** at lhelbling13@ecf.epiqsystems.com

Andrew R. Vara, Esq., **U.S. Trustee**, at ustregisteredmailbox@usdoj.gov and at ustregion09.cl.ecf@usdoj.gov

Cynthia A. Jeffrey, on behalf of Creditor Ford Motor Credit Company at bankruptcy@weinerlaw.com

Patrick A. Hruby, on behalf of Creditor Freedom Mortgage Corporation at Patrick.hruby@brokandscott.com

Richard John LaCivita, on behalf of Creditor Mortgage Research Center, LLC at bknotice@reimerlaw.com

And by regular U.S. mail, postage prepaid, to:

Robert Franklin Travis, Jr.
1130 Hunting Hollow
Grafton, OH 44044
Debtor

/s/ Shannon M. McCormick
Darcy Mehling Good (0068249)
Shannon M. McCormick (0084855)
50 Public Square, Suite 2000
Cleveland, OH 44113
(216) 696-0650 / FAX (216) 771-8478
bankruptcy@kamancus.com

TRANSFERRED

EXHIBIT A

IN COMPLIANCE WITH SEC. 313-202
OHIO REV. CODE

SEP 29 2017

fee pd
\$790.00

J. CRAIG SNODGRASS, CPA, CGFM
LORAIN COUNTY AUDITOR

2017 SEP 29 P 1:41

005544



Doc ID: 020188410002 Type: OFF
Kind: DEEDS
Recorded: 09/29/2017 at 02:14:12 PM
Fee Amt: \$28.00 Page 1 of 2
Lorain County, Ohio
Judith M Nedwick County Recorder
File **2017-0646227**

GENERAL WARRANTY DEED

(Ohio Statutory Form: R.C. §5302.05)

KNOW ALL PERSONS BY THESE PRESENTS that **KNG, Ltd., an Ohio Limited Liability Company**, the Grantor, grants, with statutory general warranty covenants under R.C. §5302.06, to **Robert Travis, Jr., Single**, the Grantee, the following real property:

Situated in the Village of Grafton, County of Lorain and State of Ohio:

And known as being Sublot No. 24 in Fox Run Subdivision No. 2 of a part of Original Eaton Township Lot No. 99, as shown by the recorded plat thereof in Volume 86 of Maps, Pages 57 and 58 of Lorain County Records, be the same more or less.

Permanent Parcel No.: 11-00-099-000-362

Property Address: 1130 Hunting Hollow, Grafton, OH 44044

Tax Mailing Address: 1130 Hunting Hollow, Grafton, OH 44044

Prior Instrument Reference: Lorain County Records Document No. 040003442

The real property described above is conveyed subject to, and there are excepted from the general warranty covenants, the following: all easements, covenants, conditions and restrictions of record; all legal highways; zoning, building and other laws, ordinances and regulations; real estate taxes and assessments not yet due and payable; and rights of tenants in possession.

Legal description reviewed by TS
on 8/24/17 per ORC, Section 5713.08

Executed this 28th day of September, 2017.

GRANTOR:

KNG, Ltd.

By: [Signature]
Kevin J. Flanigan, Managing Member

STATE OF OHIO)
) ss:
COUNTY OF LORAIN)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named **Kevin J. Flanigan, Managing Member of Grantor KNG, Ltd.**, who acknowledged that he did sign this instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal at Sheffield Village, Ohio, this 28th day of September, 2017.

[Signature]
NOTARY PUBLIC

This instrument prepared by:
Mark F. Craig, Esq.
155 Brookvalley Drive
Elyria, OH 44035
Phone: (440) 973-6827

Box: Fidelity National Title Company



MARY H. FELTON
Notary Public, State of Ohio
My Commission Expires
August 22, 2022

700171273/SAB

FIDELITY NATIONAL TITLE
COMPANY, LLC
5340 MEADOW LANE
SHEFFIELD VILLAGE, OH 44054



Doc ID: 023382530002 Type: OFF
 Kind: ASSESSMENT LIEN
 Recorded: 03/07/2022 at 10:31:30 AM
 Fee Amt: \$34.00 Page 1 of 2
 Lorain County, Ohio
 Mike Doran County Recorder

File **2022-0865651**

**FOX RUN ASSOCIATION, INC.
 CERTIFICATE OF CONTINUING LIEN**

Pursuant to Ohio Revised Code § 5312.12 and Article XI, Section 11.7; Article XII of the Declaration of Easements, Covenants and Restrictions for Fox Run, filed for record in Instrument No. 2005-0098437, *et seq.* of Lorain County Records, the undersigned, Fox Run Association, Inc., hereby claims a continuing lien against the following described lot:

Record Owner:	Robert Travis Jr.	
Description of Lot:	1130 Hunting Hollow Grafton, OH 44044	PPN:11-00-099-000-362
Amount:	\$6,352.00, plus interest at determined from time to time by the Board, but in no event greater than the highest legal rate which may be charged to an individual without being usurious (but not greater than fifteen percent (15%) per annum) from the 23rd day of February, 2022 and any unpaid assessments accruing hereinafter until this lien is satisfied.	

State of Ohio, }
 County of Cuyahoga } ss

IN WITNESS WHEREOF, Fox Run Association, Inc. has caused this Certificate of Lien to be executed by its duly authorized representative this 2 day of March, 2022.

Fox Run Association, Inc.

By:

Shannon M. McCormick Esq.
 Designated Representative
 Shannon M. McCormick, Esq.

Subscribed and sworn to before me by Shannon M. McCormick, Esq. this 2nd day of March, 2022.



SAMANTHA L. MILORO
 Notary Public, State of Ohio
 My Commission Expires
 August 12, 2025

Samantha L. Miloro
 Notary Public

This instrument was prepared by Shannon M. McCormick, Esq.

Kaman & Cusimano, LLC, 50 Public Square, Suite 2000, Cleveland, OH 44113 (216) 556-2268

THE CLAIM SECURED BY THIS LIEN HAS BEEN PAID AND THE LIEN IS HEREBY SATISFIED AND DISCHARGED.

DATE: _____ Fox Run Association, Inc.

By: _____

Designated Representative

State of Ohio, }
 County of _____ } ss

Subscribed and sworn to before me by _____ this _____ day of _____, _____.

 Notary Public

Situated in the Village of Grafton, County of Lorain State of Ohio:

And known as being Sublot No. 24 in Fox Run Subdivision No. 2 of a part of Original Eaton Township Lot No. 99, as shown by the recorded plat thereof in Volume 86 of Maps, Pages 57 and 58 of Lorain County Records, be the same more or less.

Permanent Parcel No: 11-00-099-000-362

Property Address: 1130 Hunting Hollow, Grafton, OH 44044

**KAMAN & CUSIMANO ATTORNEYS
2000 TERMINAL TOWER
50 PUBLIC SQUARE
CLEVELAND, OH 44113**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION - CLEVELAND

In re:	)	CASE NO. 20-11614
)	
ROBERT FRANKLIN TRAVIS,	)	CHAPTER 13
JR.)	
	)	JUDGE ARTHUR I. HARRIS
Debtor)	
	)	FOX RUN ASSOCIATION, INC.'S
	)	RELIEF FROM STAY
	)	WORKSHEET
)	
)	
)	
)	

I. LOAN* DATA

*Movant is a Property owners association and, therefore the Motion does not involve a "LOAN"

A. IDENTIFICATION OF COLLATERAL (check all that apply):

- ☒ Real Estate 1130 Hunting Hollow, Grafton, OH 44044
 - ☒ Principal Residence of Debtor(s)
 - ☐ Other
- ☐ Personal Property
- ☐ Debtor's Chapter 13 Plan provides for surrender of the Collateral.
- ☐ Other Property [[describe if applicable]]

B. CURRENT VALUE OF COLLATERAL: \$225,880.00

C. SOURCE OF COLLATERAL VALUATION: Lorain County Auditor

D. ORIGINAL LENDER: N/A

E. ENTITY ENTITLED TO ENFORCE THE NOTE: N/A

F. CURRENT LOAN SERVICER: N/A

G. DATE OF LOAN: N/A

H. ORIGINAL PRINCIPAL AMOUNT DUE UNDER NOTE: N/A

Exhibit C

- I. ORIGINAL INTEREST RATE ON NOTE: N/A
- J. CURRENT INTEREST RATE: N/A
- K. ORIGINAL MONTHLY PAYMENT AMOUNT
(principal and interest only for mortgage loans): N/A
- L. CURRENT MONTHLY PAYMENT AMOUNT: \$150.00
- M. THE CURRENT MONTHLY PAYMENT AMOUNT LISTED ABOVE:
- ☐ Includes an escrow amount of \$ _____ for real estate taxes.
- ☐ Includes an escrow amount of \$ _____ for property insurance.
- ☐ Includes an escrow amount of \$ _____ for _____.
- ☒ Does not include any escrow amount.
- N. DATE LAST PAYMENT RECEIVED: July 1, 2018
- O. AMOUNT OF LAST PAYMENT RECEIVED: \$120.00
- P. AMOUNT HELD IN SUSPENSE ACCOUNT: N/A
- Q. NUMBER OF PAYMENTS PAST DUE: N/A

II. AMOUNT ALLEGED TO BE DUE AS OF THE DATE THE MOTION IS FILED

	<u>Description of Charge</u>	<u>Total Amount of Charges</u>	<u>Number of Charges Incurred</u>	<u>Dates Charges Incurred</u>
A.	PRINCIPAL	\$ N/A		
B.	INTEREST	\$ N/A		
C.	TAXES	\$ N/A		
D.	INSURANCE	\$ N/A		
E.	LATE FEES	\$ N/A		

F.	NON-SUFFICIENT FUNDS FEES	\$ N/A		
G.	PAY-BY-PHONE FEES	\$ N/A		
H.	BROKER PRICE OPINIONS	\$ N/A		
I.	FORCE-PLACED INSURANCE	\$ N/A		
J.	PROPERTY INSPECTIONS	\$ N/A		
K.	OTHER CHARGES (describe in detail and state contractual basis for recovering the amount from the debtor)	\$ N/A		

SEE ATTACHED POST-PETITION ACCOUNT HISTORY

Arrearages:

BEFORE DATE OF FILING: \$2,400.00
AFTER DATE OF FILING: \$4,352.00

TOTAL DEBT: \$6,752.00
LESS AMOUNT HELD IN SUSPENSE: \$N/A

TOTAL OF DEBT AS OF DATE MOTION IS FILED: \$ 6,752.00

* This total cannot be relied upon as a payoff quotation.

This Worksheet was prepared by:

/s/ Shannon M. McCormick
Darcy Mehling Good (0068249)
Shannon M. McCormick (0084855)
KAMAN & CUSIMANO, LLC
50 Public Square, Suite 2000
Cleveland, OH 44113
(216) 696-0650 / FAX (216) 771-8478

M1-FXRN Fox Run Association
 Grafton OH 44044

Lawrence Community Management
 1507 Lear Industrial Pkwy.
 Suite 1
 Avon OH 44011

Unit	Space	Owner	Type	Date	CC	Description	Check	Charge Amount	Payment/Credit	Balance
0037		02				App# 26242	Beg Bal			0.00
Robert Travis, Jr. - PRE			Chg	08/01/2018	MF	Maintenance Fee		120.00		120.00
1130 Hunting Hollow			Chg	09/01/2018	MF	Maintenance Fee		120.00		240.00
Grafton OH 44044			Chg	10/01/2018	MF	Maintenance Fee		120.00		360.00
			Chg	11/01/2018	MF	Maintenance Fee		120.00		480.00
1130 Hunting Hollow			Chg	12/01/2018	MF	Maintenance Fee		120.00		600.00
Grafton OH 44044			Chg	01/01/2019	MF	Maintenance Fee		120.00		720.00
			Chg	02/01/2019	MF	Maintenance Fee		120.00		840.00
			Chg	03/01/2019	MF	Maintenance Fee		120.00		960.00
			Chg	04/01/2019	MF	Maintenance Fee		120.00		1,080.00
			Chg	05/01/2019	MF	Maintenance Fee		120.00		1,200.00
			Chg	06/01/2019	MF	Maintenance Fee		120.00		1,320.00
			Chg	07/01/2019	MF	Maintenance Fee		120.00		1,440.00
			Chg	08/01/2019	MF	Maintenance Fee		120.00		1,560.00
			Chg	09/01/2019	MF	Maintenance Fee		120.00		1,680.00
			Chg	10/01/2019	MF	Maintenance Fee		120.00		1,800.00
			Chg	11/01/2019	MF	Maintenance Fee		120.00		1,920.00
			Chg	12/01/2019	MF	Maintenance Fee		120.00		2,040.00
			Chg	01/01/2020	MF	Maintenance Fee		120.00		2,160.00
			Chg	02/01/2020	MF	Maintenance Fee		120.00		2,280.00
			Chg	03/01/2020	MF	Maintenance Fee		120.00		2,400.00
							End Bal			2,400.00

3:57 PM

03/19/21

Fox Run Homeowners Association
Open Invoices
All Transactions

Hans Burkhardt
3/29/2021

REC'D AFTER
 21.9

Travis, Robert Jr.

Invoice	08/01/20	2131	08/01/201	961	120.00
Invoice	09/01/20	2172	09/01/201	930	120.00
Invoice	10/01/20	2212	10/01/201	900	120.00
Invoice	11/01/20	2253	11/01/201	869	120.00
Invoice	12/01/20	2292	12/01/201	839	120.00
Invoice	01/01/20	2333	01/01/201	808	120.00
Invoice	02/01/20	2374	02/01/201	777	120.00
Invoice	03/01/20	2415	03/01/201	749	120.00
Invoice	04/01/20	2454	04/01/201	718	120.00
Invoice	05/01/20	2496	05/01/201	688	120.00
Invoice	06/01/20	2543	06/01/201	657	120.00
Invoice	07/01/20	2585	07/01/201	627	120.00
Invoice	08/01/20	2629	08/01/201	596	120.00
Invoice	09/01/20	2671	09/01/201	565	120.00
Invoice	10/01/20	2713	10/01/201	535	120.00
Invoice	11/01/20	2755	11/01/201	504	120.00
Invoice	12/01/20	2797	12/01/201	474	120.00
Invoice	01/01/20	2839	01/01/202	443	120.00
Invoice	02/01/20	2881	02/01/202	412	120.00
Invoice	03/01/20	2923	03/01/202	383	120.00
Invoice	04/01/20	2967	04/01/202	352	120.00
Invoice	05/01/20	3012	05/01/202	322	120.00
Invoice	06/01/20	3060	06/01/202	291	120.00
Invoice	07/01/20	3107	07/01/202	261	120.00
Invoice	08/01/20	3161	08/01/202	230	150.00
Invoice	09/01/20	3206	09/01/202	199	150.00
Invoice	10/01/20	3254	10/01/202	169	150.00
Invoice	11/01/20	3305	11/01/202	138	150.00
Invoice	12/01/20	3353	12/01/202	108	150.00
Invoice	01/01/20	3401	01/01/202	77	150.00
Invoice	02/01/20	3450	02/01/202	46	150.00
Invoice	03/01/20	3520	03/01/202	18	150.00

Total Travis, Robert Jr.

4,080.00

Page 1

M1-FXRN Fox Run Association
 Grafton OH 44044

Lawrence Community Management
 1507 Lear Industrial Pkwy.
 Suite 1
 Avon OH 44011

Unit	Space	Owner	Type	Date	CC	Description	Check	Charge Amount	Payment/Credit	Balance
0037		01				App# 22711	Beg Bal			0.00
Robert Travis Jr.			Chg	04/01/2021	MF	Maintenance Fee		150.00		150.00
1130 Hunting Hollow			Chg	04/01/2021	MF	Beginning Balance		4,080.00		4,230.00
Grafton OH 44044			Cr	04/01/2021	MF	Move to Pre Acct			-2,400.00	1,830.00
			Chg	04/30/2021	LF	Late Fee		25.00		1,855.00
1130 Hunting Hollow			Chg	05/01/2021	MF	Maintenance Fee		150.00		2,005.00
Grafton OH 44044			Chg	05/31/2021	LF	Late Fee		25.00		2,030.00
			Chg	06/01/2021	MF	Maintenance Fee		150.00		2,180.00
			Chg	06/30/2021	LF	Late Fee		25.00		2,205.00
			Chg	07/01/2021	MF	Maintenance Fee		150.00		2,355.00
			Chg	07/29/2021	LG	Collection Letter		115.00		2,470.00
			Chg	07/31/2021	LF	Late Fee		25.00		2,495.00
			Chg	08/01/2021	MF	Maintenance Fee		150.00		2,645.00
			Chg	08/31/2021	LF	Late Fee		25.00		2,670.00
			Chg	09/01/2021	MF	Maintenance Fee		150.00		2,820.00
			Chg	09/30/2021	LF	Late Fee		25.00		2,845.00
			Chg	10/01/2021	MF	Maintenance Fee		150.00		2,995.00
			Chg	10/31/2021	LF	Late Fee		25.00		3,020.00
			Chg	11/01/2021	MF	Maintenance Fee		150.00		3,170.00
			Chg	11/30/2021	LF	Late Fee		25.00		3,195.00
			Chg	12/01/2021	MF	Maintenance Fee		150.00		3,345.00
			Chg	01/01/2022	MF	Maintenance Fee		150.00		3,495.00
			Chg	01/28/2022	LF	Late Fee		25.00		3,520.00
			Chg	02/01/2022	MF	Maintenance Fee		150.00		3,670.00
			Chg	02/23/2022	LG	Prep, File Lien		282.00		3,952.00
			Chg	02/24/2022	LF	Late Fee		25.00		3,977.00
			Chg	03/01/2022	MF	Maintenance Fee		150.00		4,127.00
			Chg	03/31/2022	LF	Late Fee		25.00		4,152.00
			Chg	04/01/2022	MF	Maintenance Fee		150.00		4,302.00
							End Bal			4,302.00

3/08/2022

SSN/Address Search

50.00

4352.00